

1 WILLIAM N. CARLON (State Bar No. 305739)  
2 Law Office of William Carlon  
3 437 Post Street  
4 Napa, CA 94559  
5 (530) 514-4115  
6 william@carlonlaw.com

7 [Additional counsel listed on p. 2]

8 Attorneys for Plaintiff  
9 CALIFORNIANS FOR ALTERNATIVES TO TOXICS

10 **UNITED STATES DISTRICT COURT**  
11 **NORTHERN DISTRICT OF CALIFORNIA**

12 CALIFORNIANS FOR ALTERNATIVES  
13 TO TOXICS,

14 Plaintiff,

15 vs.

16 KERNEN CONSTRUCTION CO.,  
17 BEDROCK INVESTMENTS LLC, SCOTT  
18 FARLEY, AND KURT KERNEN,

19 Defendants.

Case No. 4:24-cv-04067

**ADMINISTRATIVE MOTION TO  
CONSIDER WHETHER CASES SHOULD  
BE RELATED**

**(Civil Local Rule 3-12)**

**Related Cases:**

4:16-cv-04007-YGR;  
4:20-cv-01348-YGR.

1 WILLIAM VERICK (State Bar No. 140972)  
2 Klamath Environmental Law Center  
3 P.O. Box 1128  
4 Arcata, CA 95518  
5 (707) 630-5061  
6 wverick@igc.org

7 DAVID WILLIAMS (State Bar No. 144479)  
8 Law Offices of David Williams  
9 1839 Ygnacio Valley Road, Suite 351  
10 Walnut Creek, CA 94598  
11 (510) 847-2356  
12 dhwill7@gmail.com

13 BRIAN ACREE (State Bar No. 202505)  
14 Law Office of Brian Acree  
15 95 3rd Street, Second Floor  
16 San Francisco, CA 94103-3103  
17 (510) 517-5196  
18 brian@brianacree.com

19 Attorneys for Plaintiff  
20 CALIFORNIANS FOR ALTERNATIVES TO TOXICS  
21  
22  
23  
24  
25  
26  
27  
28

Californians for Alternatives to Toxics (“CAT” or “Plaintiff”), pursuant to Civil Local Rule 3-12, makes this Administrative Motion to Consider Whether Cases Should Be Related.

Civil Local Rule requires the following information: (1) the title and case number of each apparently related case; and, (2) a brief statement of the relationship of the actions according to the criteria set forth in Civil L.R. 3-12(a).

**I. Title and Case Number of Each Apparently Related Case**

1. *Californians for Alternatives to Toxics v. Kern Construction Co., Bedrock Investments, LLC, Kurt Kern, and Scott Farley*, 4:20-cv-01348-YGR;
2. *Californians for Alternatives to Toxics v. Kern Construction Co., Bedrock Investments, LLC, Kurt Kern, and Scott Farley*, 4:16-cv-04007-YGR.

**II. Brief Statement of the Relationship of the Actions**

Each of the actions identified above involved the same parties as the current case. Californians for Alternatives to Toxics brought each of the above actions, as well as the instant case, to bring Defendants into compliance with the Clean Water Act. Each case involves claims against Defendants for their violations of the Industrial General Permit that regulates their discharges of storm water associated with industrial activities at Defendants’ Kern Construction facility.

Both of the prior cases have been resolved, so currently no related cases are pending; however, it would likely result in an unduly burdensome duplication of labor and expense if this new enforcement action were to be brought before a different judge. The 2020 enforcement action was related to the 2016 enforcement action on May 26, 2020. ECF No. 130 (4:16-cv-04007-YGR).

Dated: July 5, 2024

Respectfully Submitted,

LAW OFFICE OF WILLIAM CARLON

By: /s/ William N. Carlon

William N. Carlon  
Attorneys for Plaintiff  
CALIFORNIANS FOR  
ALTERNATIVES TO TOXICS